

### **REMARKS**

Claims 7-12 are now pending in the present application. Claim 1-6 have been canceled and claims 7-12 have been added. Claim 7 is independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Election/Restriction**

Claims 5 and 6 stand withdrawn from further consideration by the Examiner as being directed to a non-elected invention. As the Examiner will note, claims 5 and 6 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Applicants reserve the right to file a divisional application directed to these claims at a later date if it is so desired.

With regard to new claims 7-12, these claims are directed to the elected invention and should therefore be examined by the Examiner.

#### **Objection to the Drawings**

The drawings stand objected to under 37 C.F.R. § 1.83(a) because the take-up channel 7 on page 7, line 26 and the groove on page 8, line 1, must be shown or the features canceled from claims. As the Examiner will note, pending process claims 1-4 have been canceled and have been replaced with new claims 7-12. In claims 7-12, the "groove" feature has been canceled from the claims and the "take-up channel (7)"

feature has been replaced with the recitation "vacuum conveyor channel," which is supported by the disclosure on page 6, line 4.

In view of the above amendments and remarks, Applicants submit that the drawing objection has been obviated. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

#### **Objection to the Specification**

The specification stands objected to since the abstract is not in proper format and the specification includes several minor informalities. As the Examiner will note, the specification has been carefully reviewed and revised, taking into consideration the specific deficiencies pointed out by the Examiner. In addition, the abstract has been rewritten to be in conformance with U.S. practice. Accordingly, the specification objection has been obviated. Reconsideration and withdrawal of this objection are therefore respectfully requested.

#### **Rejection Under 35 U.S.C. § 112**

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

As the Examiner will note, claims 1-4 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 7-12 have been added.

Applicants submit that claims 7-12 have been presented to be in conformance with 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph are therefore respectfully requested.

### **Rejection Under 35 U.S.C. § 103**

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stocker, USPN 2,293,178 in view of Hall et al., USPN 3,411,728, Faasse, Jr., USPN 4,556,441 and Takimoto et al., USPN 4,168,643. Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stocker in view of Hall et al., Faasse, Jr., Minarelli et al., USPN 5,172,621 and Takamoto et al. These rejections are respectfully traversed.

The present invention is directed to a process for manufacturing a medicinal and/or any active substance containing product from at least two strip tapes. Independent claim 7 recites a combination of steps including "conveying each of said strips through a vacuum conveyor channel, whereby each strip is turned on its way to said channel or on its way through said channel by about 90°" and "leading said strips together at the end of said channel in such a way that said strips lie on top of each other." Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claim 7.

In the Examiner's Office Action, the Examiner recognizes that the Stocker reference fails to disclose several aspects of the claimed invention. However, the

Examiner relies on the Hall et al., Faasse, Jr., Takimoto et al. and/or Minarelli et al. reference to modify the Stocker reference to arrive at the presently claimed invention. Applicants respectfully submit that the modifications proposed by the Examiner would not have been obvious to one having ordinary skill in the art.

In particular, Faasse, Jr. does not disclose a vacuum conveyor channel as asserted by the Examiner, since a channel is a tubular enclosed passage or at least a hollow bed through which material can be transported. The areas between rollers 72, 74, 78, 80, 86 and 84 (according to Faasse, Jr.) however, are not channels in the above meaning, but only free space, through which the layer passes. Needless to say, such a free space cannot form a vacuum and therefore cannot be considered a "vacuum conveyor channel" as recited in claim 7 of the present invention.

Faasse, Jr. also fails to disclose that strips are led together one upon the other. What is disclosed by Faasse, Jr. is the application of the "cover layer to the remaining exposed portion of the adhesive side of the base layer," which means, that the cover layer and the portion of the base layer will stick together due to the adhesive surface of the respective portions. This is not the case with the present invention, wherein the strips are just lying on top of each other.

Furthermore, Faasse, Jr. discloses a process substantially differing from the present invention, in that according to Faasse, Jr. base assemblies (not strips) are produced by applying dam patches with definite distances to form an adhesive side of a base layer, applying a cover layer to the remaining exposed portions of the adhesive

side of the base layer and cutting a plurality of base units in the base layer, with one of the dam patches positioned within each of the base units. Needless to say, these base units are not strips in the sense of the present invention.

In view of the above, the Faasse, Jr. reference fails to make up for the deficiencies of Stocker. Accordingly, the present invention, as recited in claim 7, is non-obvious over the Stocker and Faasse, Jr. references.

With regard to the Minarelli reference, this reference does not teach a vacuum roll with a negative pressure zone, as the Examiner contends. What Minarelli discloses is a roller (8) wherein the cylindrical surface has a plurality of holes (11) which can be connected to a source of negative pressure (col. 3, lines 40-43). The explanation of the above device can be found at col. 6, lines 10-18 reading as follows: "... said suction opening providing means... being constructed and operated so as to permit said leading edge portion of said strip to slip relatively upstream along said radially outer peripheral surface of said reaction means while disposed in suction-induced tractive engagement with said outer peripheral surface of said reaction means..." This means of course, that the above device is intended only for keeping the strip on a certain place, and not for conveying a web.

In view of the above, the Minarelli et al. reference fails to make up for the deficiencies of Stocker and Faasse, Jr. Accordingly, the present invention is non-obvious over the references relied on by the Examiner.

With regard to the Examiner's reliance on the Takimoto et al. and Hall et al. references, these references have only been relied on for teachings of a knife roll and turning a strip 90°, respectively. Therefore, these references fail to make up for the deficiencies of Stocker, Faasse, Jr. and Minarelli et al.

In view of the above, Applicants submit that independent claim 7 is non-obvious over Stocker, Hall et al., Faasse, Jr., Takimoto et al. and/or Minarelli et al., either alone or in combination. None of these references teaches or suggests the device according to the present invention, wherein in order to avoid disadvantageous stretching of the web material as well as of the strips produced therefrom, the cutting of the material is carried through by means of a vacuum roll and the conveying of the strips is likewise carried through by means of a vacuum.

With regard to dependent claims 8-12, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claim 7, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 7-12 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 103 are respectfully requested.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$420.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)